

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0035
RULE TITLE: Continuing Professional Education/Governmental Auditing

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education/Governmental Auditing.

SPECIFIC AUTHORITY: 473.312(3) FS.

LAW IMPLEMENTED: 473.312(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.006
RULE TITLE: Diagnostic Testing

PURPOSE AND EFFECT: To create a new rule.

SUBJECT AREA TO BE ADDRESSED: Diagnostic Testing.

SPECIFIC AUTHORITY: 627.736(5) FS.

LAW IMPLEMENTED: 627.736(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-3.006 Diagnostic Testing.

For the purposes of Section 627.736(5)(b)6., F.S. (2003), the Department of Health, in consultation with the appropriate licensing boards, hereby adopts the following list of diagnostic tests based on their demonstrated medical value and level of general acceptance by the provider community:

(1) Spinal ultrasound, also known as sonography, ultrasonography, and echography, is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

(2) Somatosensory Evoked Potential is deemed not to be medically necessary for use in the diagnosis of radiculopathy or distal nerve entrapment when treating persons sustaining bodily injury covered by personal injury protection benefits.

(3) Dermatomal Evoked Potential is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

Specific Authority 627.736(5) FS. Law Implemented 627.736(5) FS. History--New

DEPARTMENT OF HEALTH

Division of Environmental Health

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include: 64E-2.001 Definitions, 64E-2.002 Basic Life Support Service License - Ground, 64E-2.003 Advanced Life Support Service License - Ground, 64E-2.005 Air Ambulances, 64E-2.006 Neonatal Interfacility Transfers, 64E-2.030 Emergency Medical Services Grants Procedures, 64E-2.032 Certificate of Public Convenience and Necessity

PURPOSE AND EFFECT: To amend the Notice of Development that was published on December 7, 2007. The amendment will revise the time for the rule development workshop and add another subject area to be discussed.

The additional subject area is Certificate of Public Convenience and Necessity. The purpose is to discuss a proposed amendment to Chapter 64E-2, F.A.C., to address the concerns raised by the Joint Administrative Procedures Committee.

To reflect in rule the requirement to have a member trained and authorized in neonatal advanced life support procedures, referenced by the American Academy of Pediatrics and the Association of Air Medical Transport Services, during the transportation of a neonatal patient.

To delete language to accommodate the distribution of grant information on the EMS website, U.S. Mail, and on the Bureau of EMS listserve. A majority of the affected EMS services have requested that grant notifications be provided either on the EMS website, U.S. mail, or the EMS listserve because they do not routinely review notices in the Florida Administrative Weekly. Notification of grant availability using the above mechanisms will reach more potential applicants than the means currently listed.

SUBJECT AREA TO BE ADDRESSED: Certificate of Public Convenience and Necessity, Definitions, Basic Life Support Service License – Ground, Advanced Life Support Service License – Ground, Application/Forms, Mutual Aid Agreements, Air Ambulance, Neonatal Interfacility Transfers, and Emergency Medical Services Grants Procedures

SPECIFIC AUTHORITY: 381.0011, 383.19, 395.401, 395.4025, 395.405, 401.121, 401.25, 401.251, 401.265, 401.35 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.025, 383.15, 395.401, 395.4001, 395.4015, 395.402, 395.4025, 395.403, 395.404, 39.4045, 395.405, 401.111, 401.113, 401.121, 401.211, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 22, 2008, 8:30 a.m. – 5:00 p.m. (if needed)

Note: This is the day prior to the quarterly EMS Advisory Council meetings

PLACE: Prime Osborne Convention Center, Room 107, 1000 Water St., Jacksonville, FL 32204-1529

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Alexander Macy, Bureau of Emergency Medical Services, (850)245-4440 ext. 2735, Alexander_Macy@doh.state.fl.us, or fax: (850)488-9408. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us, phone: (850)245-4440 ext. 2733, or fax: (850)488-9408

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-123.002 **RULE TITLE:** Procedures

PURPOSE AND EFFECT: The proposed rule adopts a new electronic form for filing a notice of intent to file a civil remedy action as provided in Section 642.155, F.S.

SUBJECT AREA TO BE ADDRESSED: The Department seeks input from those who will be using the new form or who will otherwise be affected by the rule as to how the rule can best meet their needs.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307, 624.155(3)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, January 22, 2008, 10:00 a.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Greg Thomas, (850)413-3130. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320; (850)413-3130

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-123.002 Procedure.

The civil remedy notice required by Section 624.155, F.S., shall be electronically submitted on Form DFS-I0-363, "Civil Remedy Notice of Insurer Violation," (Effective: _____), which

is hereby adopted and incorporated by reference. The form shall be submitted to the Department of Financial Services, Bureau of Consumer Assistance, through the website at <https://apps.fldfs.com/civilremedy>. No fee is required.

Specific Authority 624.308(1) FS. Law Implemented 624.307, 624.155(3)(b) FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.070	Product Evaluation and Quality Assurance for State Approval
9B-72.080	Product Validation by Approved Validation Entity for State Approval
9B-72.100	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9B-72.130	Forms

PURPOSE AND EFFECT: To review and revise the rule in light of legislative change, experience with the system, and the efforts of the Product Approval Validation Workgroup. Please note that the Commission determined that a workshop pertaining to this rule is unnecessary because the language below results from a prior rulemaking proceeding involving multiple workshops and adoption hearings and from which the Commission withdrew because of the expiration of time for publication of a Notice of Change. The Commission will accept the record of the prior proceeding, for which Notices of Propose Rule development appeared on January 12, 2007 and March 9, 2007, at the hearing identified below.

SUMMARY: The rule specifically fabric storm panels as within the scope of the rule; designates requirements for products subject to testing standards and subject to rational analysis; specifies information required in relation to installation instructions for windows; defines and delineates administrative and technical validation of information submitted in support of an application for approval of a product by the Commission, specifies a schedule of sanctions to be imposed by the Commission against validators that violate this rule, eliminates the authorization for testing laboratories to serve as validators; and adopts, by reference, updated validation checklists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.842(1), (5)-(7), (14) FS.

LAW IMPLEMENTED: 553.842(1), (5)-(7), (8), (14) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 29, 2008, 2:30 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda.

PLACE: The Renaissance Resort, World Golf Village, 500 S. Legacy Trail, St. Augustine, Florida 32092

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-72.010 Definitions.

(1) through (30) No change.

(31) Subcategory of product or construction system means a specific functionality:

(a) through (d) No change.

(e) For shutters: accordion, Bahama, storm panels, fabric storm panel, colonial, roll-up, pre-engineered equipment, protection, and products introduced as a result of new technology;

(f) through (g) No change.

(32) through (35) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06, _____.

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

(1)(a) through (f) No change.

(g) Products required to demonstrate compliance using referenced testing standard(s) and also requiring rational analysis that falls outside the scope of the agency certificate